



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1994

Mr. Gary W. Smith  
Greenville City Attorney  
P.O. Box 1049  
Greenville, Texas 75403-1049

OR94-469

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25918.

The City of Greenville (the "city") received an open records request for records pertaining to a certain criminal investigation of an alleged sexual assault of a child. You contend, *inter alia*, that the requested records must be withheld from the requestor pursuant to section 552.101 of the Government Code in conjunction with section 34.08 of the Family Code.

Section 552.101 protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Chapter 34 of the Family Code concerns, *inter alia*, reports of child abuse to local law enforcement agencies. Section 34.08(a) of the Family Code provides:

Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

Because you have not cited any specific regulation that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the records at issue are confidential pursuant to section 34.08(a) of the Family Code. *See* Open Records Decision No. 440 (1986) at 2. Accordingly, the city must withhold the requested records in their entirety.<sup>1</sup>

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 25918

Enclosures: Submitted documents

cc: Mr. Dennis D. Davis  
Thomas & Renshaw  
P.O. Box 4  
Greenville, Texas 75403-0004  
(w/o enclosures)

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<sup>1</sup>Because we resolve your request under section 34.08 of the Family Code, we need not consider your other arguments for withholding this information.